

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

|                                      |   |          |
|--------------------------------------|---|----------|
| JOHN WEBER,                          | ) |          |
|                                      | ) |          |
| Plaintiff,                           | ) |          |
|                                      | ) |          |
| vs.                                  | ) | Case No. |
|                                      | ) |          |
| FEDERAL EMERGENCY MANAGEMENT AGENCY, | ) |          |
|                                      | ) |          |
| Defendant.                           | ) |          |

**COMPLAINT**

COMES NOW Plaintiff, John Weber, by and through counsel, and files this Complaint against the Federal Emergency Management Agency ("FEMA"). In support, thereof, Plaintiff states as follows:

- 1) That Plaintiff is a resident of the County of St. Charles, State of Missouri.
- 2) That FEMA insured Plaintiff against the risk of flood damage.
- 3) That the subject property is commonly known as 331 Forest Avenue, St. Charles, Missouri 63301 ("Property").
- 4) That on or about June 6, 2019 the Property incurred damage by flood.
- 5) It is uncontroverted by both parties that the Property was insured for flood damage by FEMA. The policy is commonly known as Standard Flood Insurance Policy Account Number RL00064599.
- 6) It is uncontroverted by both parties that the amount of damage to the Property was \$187,793.57 for actual cash value and \$3,415.01 for replacement cost value for a total claim of \$191,208.58.

7) It is uncontroverted by both parties that FEMA accepted payment for the insurance by Plaintiff as it pertains to the Property.

8) That on or about February 4, 2020 FEMA issued its initial denial of the claim made by Plaintiff. The denial of the claim is that Plaintiff did not have an insurable interest in the Property.

9) Plaintiff does have an insurable interest in the Property.

10) That pursuant to 42 U.S.C. § 4072 a claimant may file suit within one year from the date of their first denial. This Complaint is timely.

11) That the Property is located within the jurisdiction of the United States District Court for the Eastern District of Missouri.

12) That Defendant's refusal to pay the amount of the flood damages are arbitrary and unjustified requiring Plaintiff to incur legal fees and, as such, Plaintiff's legal fees should be assessed against Defendant.

WHEREFORE, Plaintiff prays for this Court to enter an Order requiring FEMA to pay Plaintiff the sum of \$191,208.58, award costs of this action and attorneys' fees to Plaintiff and enter any other Orders this Court deems necessary and proper.

RESPECTFULLY SUBMITTED,

SWIECICKI & MUSKETT, LLC

By: /s/ Christopher S. Swiecicki

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